

1 Cristina C. Arguedas (CSB 87787)
2 Ted W. Cassman (CSB 98932)
3 Michael W. Anderson (CSB 232525)
4 ARGUEDAS, CASSMAN & HEADLEY LLP
5 803 Hearst Avenue
6 Berkeley, CA 94710
7 Telephone: (510) 845-3000
8 Facsimile: (510) 845-3003

9 *Attorneys for Movant Diego Borja*

10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 In re Application of:) Case No. 10-MC-80225 CRB (EMC)
15)
16 THE REPUBLIC OF ECUADOR,)
17)
18 Applicant,)
19)
20 For the Issuance of a Subpoena for the)
21 Taking of a Deposition and the)
22 Production of Documents in a Foreign)
23 Proceeding Under 28 U.S.C. § 1782.)
24)

25 In re Application of:) Case No. 10-MC-80324 CRB (EMC)
26) (Related case)
27)
28 Daniel Carlos Lusitand Yaiguaje, et al.,)
29)
30 Applicants,)
31)
32 For the Issuance of a Subpoena for the)
33 Taking of Depositions and the)
34 Production of Documents in a Foreign)
35 Proceeding Under 28 U.S.C. § 1782.)
36)

37 **[PROPOSED] STIPULATION AND ORDER GOVERNING DISCLOSURE**
38 **OF DOCUMENTS PURSUANT TO RULE 502**
39 **OF THE FEDERAL RULES OF EVIDENCE**
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1 **THE PARTIES HEREBY STIPULATE** to the following:

- 2 (1) The purpose of this order is to facilitate the production to the Republic of Ecuador
3 and the Procuraduría General del Estado (“Applicants”) by Diego Borja and his
4 counsel (“Borja”) of certain documents identified as privileged by Borja in his
5 privilege log submitted in this discovery action.
6
- 7 (2) The parties agree that Borja’s act of producing any documents that are identified
8 as privileged in his privilege log shall not constitute a waiver by Borja of any
9 privileges that Borja asserted in the privilege log. This agreement is to be
10 interpreted to provide the greatest protection to Borja allowed by Federal Rule of
11 Evidence 502, or otherwise permitted by law. This agreement does not,
12 however, increase Borja’s rights or protection beyond that which existed prior to
13 the disclosure of the Documents.
14
- 15 (3) The parties agree that this Stipulation will constitute a binding agreement
16 pursuant to Federal Rule of Evidence 502(d) and 502(e), and that Applicants will
17 maintain the confidentiality of the Documents pursuant to the Court’s Protective
18 Order of February 25, 2011 (Dkt. No. 92).
19

20 **SO STIPULATED:**

21 Dated: March 6, 2011

By: /s/

22 Michael W. Anderson
23 Arguedas, Cassman & Headley LLP
24 Counsel for Diego Borja

25 Dated: March 6, 2011

By: /s/

26 Eric Bloom
27 Winston and Strawn
28 Counsel for Applicants

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IT IS SO ORDERED.

Dated: 3/7/11

